



**HON. SYLVIA O. HINDS-RADIX**  
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July 10, 2023

**VIA ECF**

Hon. Jennifer H. Rearden  
 Daniel Patrick Moynihan United States Courthouse  
 500 Pearl Street  
 New York, NY 10007

Re: *J.R. et al v. N.Y.C. Dep't of Educ.*, 23-cv-3984(JHR)(VF)

Dear Judge Rearden,

I am a Special Assistant Corporation Counsel in the office of the Corporation Counsel, Hon. Sylvia O. Hinds-Radix, attorney for Defendant in the above-referenced action, wherein Plaintiffs seek enforcement of various underlying administrative orders as well as attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, et seq. ("IDEA"), as well as for this action.

I write on behalf of both parties in accordance with the Court's July 5, 2023 Order (ECF No. 28) to provide an update on the status of payments referenced in Plaintiffs' June 22, 2023 letter (ECF No. 22):

School Year	Amount	Status
2021-22	\$337.00 due to the Titus School	Plaintiffs provided the invoices to defendant on June 23, 2023, defendants confirm the invoices were submitted for processing for direct funding to the Titus School as of June 30, 2023
2022-23	\$926.41 reimbursement due to parents	Defendant is working to remit the outstanding balance owed under Pendency in the amount of \$506.41 to Plaintiffs
2023	\$18,809.50 due to the Titus School	The Titus School have not received additional payments from the DOE since June 6, 2023 but confirm there are pending payments in the amount of \$9,120.00

		Defendant confirm the invoices were submitted for processing for direct funding to the Titus School
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In regard to the outstanding \$506.41 in tuition, Defendant believed that Plaintiffs had not filed the underlying due process complaint in this matter until 7:50 PM on July 6, 2022, which would cause pendency to have begun on the next day, July 7, 2022.<sup>1</sup> However, Defendant has been in contact with the Impartial Hearing Office, who reviewed the initial filing and determined that a computer processing error caused the filing to be delayed. While it is still unclear why the initial email filing was labeled by the system as having come in at 7:50 PM when the document was apparently filed at 3:50 PM, the date and time receipt have now been corrected in the hearing system. Defendant is working to remit the outstanding \$506.41 to Plaintiffs, who can expect to receive that amount shortly.

Upon confirmation payments were received in full by both plaintiffs and the Titus School, the only matter still before this Court will be the issue of attorney's fees and costs. Thus, the parties propose (1) submitting a joint status letter regarding the status of payment regarding the above on or before July 25, 2023, and (2) that this matter be stayed pending the final resolution of the continuing underlying administrative actions.

Thank you for considering this submission.

Respectfully submitted,

/s/

Thomas Lindeman  
Special Assistant Corporation Counsel

cc: Irina Roller, Esq. (via ECF)  
Benjamin Hinerfeld, Esq. (via ECF)  
*Plaintiffs' Counsel*

Application GRANTED.

SO ORDERED.



Jennifer H. Rearden, U.S.D.J.  
Date: July 12, 2023

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<sup>1</sup> Parents note their continued disagreement with this interpretation of the IDEA's pendency provisions, as discussed in their June 27, 2023 letter to the Court (ECF 25).